

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NAJIB ALI ADEN,

Petitioner,

V.

KIRSTJEN NIELSEN, *et al.*,

## Respondents.

NO. C18-1441RSL

## ORDER SUPPLEMENTING THE RECORD

On June 20, 2019, the Court directed defendants to reopen the removal proceedings against petitioner and hold a bond hearing. The Immigration Judge (“IJ”) denied petitioner’s renewed request for bond, and petitioner has filed a motion seeking review of that determination for legal error. Dkt. #17. Defendants seek to supplement audio recording of the bond hearing with a memorandum of decision written by the IJ after petitioner’s motion for review was fully briefed. Dkt. #26. Petitioner opposes the request, arguing that the administrative record of the bond hearing is complete and should not be supplemented with the IJ’s post-appeal justifications for the decision.

The bond issue comes before the Court under its habeas jurisdiction and/or its inherent powers. While the evidentiary value of a post-appeal memorandum may be

1 limited, whether the bond proceeding was constitutionally flawed or violated the  
2 Court's prior order will be determined on the record as a whole. Because petitioner did  
3 not have an opportunity to address the IJ's written analysis in his motion for review, the  
4 Court will consider the arguments and criticisms raised in his opposition (Dkt. #27)  
5 when deciding the underlying motion to enforce.

6

7 For all of the foregoing reasons, defendants' motion to supplement the record  
8 (Dkt. # 26) is GRANTED.

9

10 Dated this 24th day of September, 2019.

11

12   
Robert S. Lasnik  
United States District Judge